

California Regional Water Quality Control Board
North Coast Region

NOTICE OF PUBLIC HEARING AND NOTICE OF ISSUANCE OF A COMPLAINT

Administrative Civil Liability Complaint No. R1-2008-0114

For

Violation of Waste Discharge Requirements
Order No. R1-2001-59

In the Matter of

Loleta Community Services District
Wastewater Treatment Facility
WDID No. 1B80081OHUM

Humboldt County

On October 7, 2008, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2008-0114 (Complaint) to the City of Loleta Community Services District (Discharger). The Complaint proposed mandatory minimum penalties (MMP), pursuant to Water Code sections 13385, subdivisions (h) and (i), in the amount of \$291,000 for alleged violations of effluent limitations specified in Waste Discharge Requirements Order No. R1-2001-59 (NPDES No. CA0023671) and discretionary violations in the amount of \$73,750 for the period from May 1, 2005 to April 30, 2008.

The total proposed penalty is \$364,750. The Discharger may satisfy terms of the Complaint by paying the full amount of the penalty into the State Water Resource Control Board's Pollution Cleanup and Abatement Account or by paying a portion of the penalty and completing a compliance project, if the Discharger qualifies as a publicly owned treatment works serving a small community.

Opportunity for Settlement Without a Public Hearing

A thirty-day public comment period has commenced beginning on the date of this notice. If no significant comments are received during the comment period, the Discharger will have the opportunity to settle this enforcement matter without a hearing by paying the proposed Administrative Civil Liability. The Executive Officer will consider comments received and will either finalize the settlement or take other appropriate action.

Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the hearing, the Regional Water Board will hold a public hearing on this matter on December 11, 2008, at 8:30 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about November 22, 2008. The meeting is scheduled to be held at the

Regional Water Quality Control Board Hearing Room, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

If the Discharger and interested persons would like the Regional Water Board to consider additional technical reports, testimony, and other evidentiary material concerning this issue, written copies of such documentation must be received at the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by 5:00 p.m. on November 3, 2008. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by November 3, 2008. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than ten minutes for Regional Water Board staff and the Discharger and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Complaint is available for review on the Regional Water Board web site at http://water100.waterboards.ca.gov/rb1/adopted_orders/. That document as well as the other evidentiary documents and files, may be inspected or copied at the Regional Water Board office on Monday through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Nancy Negley at (707) 576-2657 or at nnegley@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

October 7, 2008